

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PERNOD RICARD USA, LLC,

Plaintiff,

v.

BACARDI U.S.A., INC.,

Defendant.

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)  
) C.A. No. 06-505 (SLR)  
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)  
)

**BACARDI U.S.A., INC.'S MOTION TO PRECLUDE  
EXPERT TESTIMONY OF WALTER MCCULLOUGH**

Defendant Bacardi U.S.A., Inc. hereby moves to preclude the expert testimony of Walter McCullough pursuant to *Daubert v. Merrell Dow Pharm.*, 509 U.S. 579 (1993). The grounds for this Motion are fully set forth in Bacardi U.S.A., Inc.'s Opening Brief in Support of Its Motion to Preclude Expert Testimony of Walter McCullough and the Declaration of Michelle Graham, dated September 17, 2008, which were contemporaneously filed herewith.

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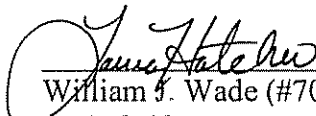
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Dated: September 17, 2008

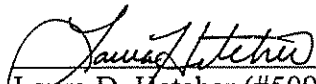
**CERTIFICATE OF SERVICE**

I hereby certify that on September 17, 2008, I caused to be served by HAND DELIVERY and ELECTRONIC MAIL the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

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I hereby certify that on September 17, 2008, the foregoing document was sent via ELECTRONIC MAIL to the following non-registered participants:

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